



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D.M. Sugimura, Director

CITY OF SEATTLE

**ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF
DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2205141

Applicant: Patrick Mahoney, Architect

Address: 723 Harvard Ave East

SUMMARY OF PROPOSED ACTION

Master use permit to establish use for the construction of four two-story duplex town homes (8 units) with parking for 16 vehicles provided in attached 2 car garages and two four-story 12 unit apartment buildings with underground parking for 104 vehicles beneath the structure. Project also includes the dedicated use of 50 parking spaces in the sub grade garage for use by Kerry Hall which will remain a part of the development site.

The following Master Use Permit components are required:

**Design Review – Seattle Municipal code (SMC) Section 23.41 with Development
Standard Departures:**

1. Departure from driveway width (SMC 23.54.030.D) – To allow a decrease from the minimum widths of 22' and 20'.
2. Departure from sight triangle development standards (SMC 23.54.030.G) to allow a partially obstruct sight triangle.
3. Departure from modulation standards (SMC 23.45.012.D) – To allow a decrease in modulation depth of 3'.

SEPA Environmental Review – Seattle Municipal Code (SMC) Section 25.05

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site & Vicinity Description

The project site is located between Harvard Ave E and Boylston Ave E in the North Capitol Hill neighborhood of Seattle. Presently the area has 10 structures many of which are older homes that have been converted to administration buildings for Cornish College of the Arts. The site, along with the entire block and is zoned Multifamily Lowrise 3 (L3). Although the zoning is L3 the development on the block is largely single family homes. The southern border of the project area is the Kerry Hall performance building which will remain part of Cornish College of the Arts.



The property contains approximately 54,775 square feet of land and has roughly 330 feet of street frontage along Harvard Ave E and approximately 231 feet along Boylston Ave E. The property line along Boylston Ave E is roughly 10 feet back from the side walk with a rise in grade between 5-7 feet in that distance. The northern property line abuts the side yards of a single family home and an apartment building.

Proposal

The applicant proposes to construct two condominium buildings and four duplex townhouses for a total of 32 residential units. The condominiums would face Boylston Ave E and contain 12 units a piece. Parking for the condominium residents would be contained in a below grade garage. The garage will contain two levels of parking, one floor dedicated to residential units above and the other dedicated to the Kerry Hall building. The proposed townhouse structures will face Harvard Ave E and each unit will have its own two car garage. All six buildings have been designed to reflect the rich historic architectural character of the north capital hill neighborhood they are located in. The entrances to each site will be marked with wrought iron gates and framed by lush, high quality landscaping. The applicants do not propose any alterations to Kerry Hall.

Public comment

An Early Design Guidance meeting was held on Wednesday November 6th, 2002. Many neighborhood residents were in attendance and voiced a variety of concerns related to the overall impact structures of this size would have on the block and surrounding neighborhood. Residents urged the Board to consider the following items when identifying the design guidelines of high priority for this project.

- Consider the potential historical values of any structure proposed to be removed.
- The pedestrian entrances to the condominium buildings should relate to Boylston Ave E.
- The proposed structures should reflect the historical context already established in the neighborhood.
- Windows used for the development should not create a glare to adjacent properties.
- Consider preserving the birch tree along the north end of the property.

- Consider setting entrance gates along Harvard Ave E back from the sidewalk to create wider public space.
- Garage doors can be noisy when used frequently. Please take this into account when designing the vehicular entrances to the condo buildings garage.
- The proposed iron gates along the sidewalk do not create a sense of welcoming. The designers should explore options that establish both a sense of safety and welcoming.
- The high density development should be shared between block fronts.

On February 5th 2003 the Design Review Board reconvened for a public meeting to review the applicant's response to the Early Design Guidance. Many members of the public attended. The members of the public in attendance provided the subsequent questions and comments about the proposal:



- The bulk of the development density and vehicular traffic is being redirected onto Boylston
- This proposal should not worsen an already malfunctioning drainage system
- Can the proposed landscaping survive in the shadows of the proposed buildings and Kerry Hall?
- The large scale of the apartment buildings will block Boylston from receiving sunlight
- The density along Boylston doesn't feel appropriate
- This proposal should be two separate applications, one to provide parking for Kerry hall and one for the residential development.
- This project should take into account the redirection of traffic currently along Harvard Ave E to Boylston Ave E

- The proposed development along Harvard will be an improvement to the streetscape
- The proposed landscaping is too tall along Harvard Ave E
- Patterns in the brick would improve the design
- How much will the units sell for?
- The design along Boylston Ave E has improved greatly since the EDG meeting but the decorative urn shown in the drawings should be removed.
- The landscaping architect should be careful not to "chatchke up" the design. This isn't Bellevue, WA.
- The proposed landscaping should reflect the available light.



The SEPA comment period for this proposal ended on February 12th, 2003. During this time many letters in support and in opposition of the project were received. The primary concerns

expressed in the written correspondence of those opposed to the project were the sudden increase in bulk and scale structures of this size would add to the property. They were also concerned that the proposed density was too high for the neighborhood.

ANALYSIS – DESIGN REVIEW

Design Guidance

The Early Design Guidance meeting was held on Wednesday November 6th, 2002. After visiting the site, considering the site analysis provided by the applicants, and hearing public comment, the Design Review Board members provided the following siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's Design Review: Guidelines for Multifamily and Commercial Buildings" of highest priority for this project.

The Design Review Board reviewed the final project design on February 5th, 2003. The applicants presented the Board with a number of elevation renderings, landscape and floor plans. The Boards comments on how the proposal responded to the early design guidance and additional recommendations form the Board are provided bellow in *italics*.

A-2 STREETScape COMPATIBILITY

The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The entry design of a gate for both vehicles and residents should strive to be inviting and not create the feel of a gated community.

The board felt the proposed gates along Harvard Ave E were inviting and created a desirable transition between the private and public realm.

A-3 ENTRANCES VISIBLE FRM THE STREET

Entries should be clearly identifiable and visible from the street.

The design should provide a residential entrance that is evident from the street, well illuminated to provide safety, and above all welcoming.

The proposed residential entrances are not only clearly apparent from the street and welcoming they are also well integrated in the landscape design for the site.

A-4 HUMAN ACTIVITY

New Development should be sited and designed to encourage human activity on the street.

The concept for shared driveways for the town home units creates the feel of an auto court. The Board felt that the applicants should explore other site plan alternatives.

Moving the buildings closer to street in order the minimize the size of the vehicle maneuvering area in conjunction with increased quantity of landscaping have helped to eliminate the "auto court" feeling along Harvard Ave E.

A-6 TRANSITIONS BETWEEN RESIDENCE AND STREET

For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The Board felt that this was an important guideline and that the concept design as proposed was successful in meeting this objective.

The Board felt that the proposed landscaping and outdoor lighting combined with pedestrian pathways would work together to balance the sites need for security and safety while providing opportunities for social interaction.

A-7 RESIDENTIAL OPEN SPACE

Projects which include a residential component should be sited to maximize opportunities for creating attractive, well-integrated open space.

The board felt the open space concept as presented was unclear. They expressed an interest in preserving existing onsite trees to enhance the proposed landscaping.

The Board felt the common and private areas of open space for the site were not only well connected but will create a lush and aesthetically pleasing environment.

A-8 PARKING AND VEHICLE ACCESS

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The Board is willing to consider departures to allow smaller driveway widths on both streets.

After reviewing the landscape plans for the townhouses and viewing the alterations to the vehicle entrances along Harvard Ave E the Board recommended granting the requested departure to allow driveways widths on both streets to be reduced by 2'.

B-1 HEIGHT, BULK AND SCALE COMPATIBILITY

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The proposed design should provide a setback along Boylston Ave E to help diminish the scale and height of the proposed condominium buildings.

The Board felt the proposed front set back combined with the proposed modulation of the Boylston facades are the necessary elements of the design which diminish the scale and height of the proposed condominium buildings.

C-2 ARCHITECTURAL CONCEPT AND CONSISTENCY

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The historic architectural character of the surrounding neighborhood should be reflected in the design. The board felt the proposed duplex town houses were too repetitious. The chosen design concept should not only reflect the historic nature of the neighborhood but create a sense of individuality per structure.

The Board felt that the selected design reflects the historical character of the surrounding neighborhood.

C-3 HUMAN SCALE

The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

The proposed structure should work to enhance the residential entrances at street level and use roof forms that reflect current architecture in the neighborhood.

The proposed buildings have used roof and window forms that reflect the residential disposition of the area.

C-4 EXTERIOR FINISH MATERIALS

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The materials used on the structure should also reflect the historic nature of the neighborhood, in color, and design.

The Board considers the exterior materials chosen, brick, wood, and iron fencing, to be both attractive and resilient.

C-5 STRUCTURED PARKING ENTRANCES

The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

Care should be taken when designing the garage entrances along Boylston Ave E so that they do not overwhelm the pedestrian activity.

The proposed design, which places the garage entrances along Boylston back into the natural slope, will not overwhelm pedestrian activity along the street.

D-1 PEDESTRIAN OPEN SPACES AND ENTRANCES

Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

The landscaping and open space pattern should also echo the design themes of the structures in the neighborhood.

The Board was pleased with the proposed landscape design. They felt the pathways and abundance and variety of plants and trees would blend well with the surrounding properties.

D-3 RETAINING WALLS

Retaining wall near public sidewalks that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape.

The topography at this portion of Boylston Ave E. presents a design challenge which terracing and landscaping should be used to avoid building high retaining walls.

The Board felt the proposed landscape plan successfully avoided retaining walls and used plants and decorative features to deal with the topography along Boylston Ave E.

D-4 DESIGN OF PARKING LOTS NEAR SIDEWALKS

Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalks, and minimize the visual clutter of parking lots signs and equipment.

The chosen design of the duplex town home structures along Harvard Ave E should avoid creating opportunities to park cars between the structure and sidewalk.

The Board felt that reducing the maneuvering space adjacent to the town home building effectively reduced opportunities for parking within the front setback.

Design Review Departure Analysis

The applicants requested three departures from the development standards set forth in the Land Use Code. They are as follows:

Development Standard	Proposed	Applicant Justification	Board Recommendation
▪Non-residential driveways required to be 22' wide Residential driveways Required to be 20' wide	20' wide 18' wide	Adjacent streets are not arterials and the project does expect high traffic volumes will allow more room for landscaping	Approve
▪Sight Triangles are required to be 10' by 10' and unobstructed	partially obstructed and below 10' by 10'	Only 4 spaces served by each curb cut along Harvard and visibility is not completely obscured	Approve
▪Modulated portions of the building are required to have a min depth of 5' width of 30'	balconies 3' deep by 23'9" wide and 10'4" deep by 6' wide with only 19' 8" between	Then intended visual relief is achieved while still allowing a functional space framed by brick and richly textured materials	Approve

The Board voted unanimously in favor of all three departures.

Board's Recommendation

The siting, architectural details and design elements presented in the February 5th 2003 Recommendation meeting are expected to remain unaltered. After careful consideration of public comment, review of Early Design Guidance priorities and reviewing the plans presented the Design Review Board members recommended APPROVAL of the project design including all three requested departures.

DIRECTOR'S ANALYSIS & DECISION

Director's Analysis

The Director is bound by the three members of the Board recommending approval of the design and requested design departures, except in certain cases, in accordance with Section 23.41.014.F.3. These exceptions are limited to inconsistent application of the guidelines, overstepping of the Board's authority, conflicts with SEPA requirements, or conflicts with state or federal laws. The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the Citywide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the conditions recommended by the Board members.

Decision- Design Review

The Director accepts the Board's recommendations. A review of the recommendation of the Design Review Board members present at the recommendation meeting and finds their guidance to be consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The director therefore approves the proposed design.

ANALYSIS SEPA

Environmental review resulting in a threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11 and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 2nd, 2002. The information in the checklist and the experience of DCLU with review of similar projects forms the basis for this analysis and decision.

A portion of the project site is classified as an environmental sensitive area containing steep slopes (SMC 25.09.180). The applicants requested and were granted an environmentally critical areas exemption (ECA exemption) under DCLU project number 2300221. The ECA exemption review found the areas of steep slope were created by past street improvements and as a result found the standards of SMC 25.09.180 were not required for this project review.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short - Term Construction Related Impacts

The following temporary or construction related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; and increased noise.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance regulates development and construction techniques in designated ECA areas with identified geologic hazards. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures and life safety issues. Finally the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinance will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted. However due to the immediacy of residential uses additional analysis of potential noise impacts is necessary.

Noise

Due to the close proximity of residential uses, the limitations of the Noise Ordinance are likely to be inadequate to mitigate potential noise impacts. Pursuant to SEPA policies in SMC section 25.05.675 B, the hours of all work that does not occur within an entirely enclosed structure (e.g. excavation, foundation installation, framing and roofing activity) should be limited to between 7:30 A.M. and 6:00 P.M. to mitigate noise impacts on weekdays which are not city holidays. Limited work on weekdays between 6:00 P.M. and 8:00 P.M. and on Saturdays between 9:00 A.M. and 6:00 P.M. may be allowed if prior approval is secured from the undersigned Land Use Planner (or her successor). Such after-hours work is limited to emergency construction necessitated by safety or street use (traffic) concerns, work of low noise impact; landscaping activity which does not require use of heavy equipment (e.g., planting). Such limited after-hours work may be strictly conditioned. The owner(s) and/or responsible party shall provide at least three (3) days prior notice when requesting extended work hours to allow DCLU to evaluate the request.

Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant life; and increased light and glare. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. The City Energy Code will require insulation for outside walls and energy efficient windows. Compliance with all other applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impact and no further conditioning is warranted by SEPA policies. Due to the type size and location of the proposed project additional analysis of height bulk and scale is warranted.

Height Bulk & Scale

The applicants are proposing two apartment buildings along Boylston Ave E, and four duplex town house structures along Harvard Ave E which will all have a finished height of approximately 35'. Current development surrounding the project site is a mixture of residential and institution uses. The proposed structures will have gabled roofs, and fenestration reminiscent of residential architecture. The onsite landscaping will begin at the property line with low brick and rot iron fencing to create an aesthetically pleasant environment which relates the development down to a human scale.

The SEPA Height Bulk & Scale Policy of section 23.05.675G states the following *"The height bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section C of the Land Use element of Seattle Comprehensive Plan regarding the system of Land Use Regulations for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."*

In addition, the SEPA Height, Bulk and Scale Policy states that *"(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated."* The Board was aware of the height bulk and scale relationship in their review and recommendations, noting the presence of features which are used to lessen the appearance of bulk and scale. Since the discussion in the previous paragraph indicates that there are no significant height, bulk and scale impacts as contemplated within this SEPA policy, and since the Design Review Board recommended approval of the proposed design with conditions, no additional mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible

department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – DESIGN REVIEW

Non-appealable Conditions:

Prior to issuing the Master Use Permit

1. Revise the Plans to include all of the Design Review and SEPA conditions on a sheet in the plan sets preferably on an updated Cover Sheet.
2. Provide the legal language for the ingress/egress required along the north site of Kerry Hall to provide fire stair exit.
3. Provide documentation on the plans set that the proposed development complies with building code standards for unprotected openings between the proposed development and Kerry Hall or the properly rated walls and opening.

Prior to issuing the Construction Permit

4. Three days prior to the pre-construction conference, contact the Land Use Planner to confirm attendance.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Glenda Warmoth (206-684-0966) of the Senior Land Use Planner for the project at the specified development stage, as required by the Director's decision. The applicant/responsible party for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure compliance has been achieved. **Prior to any alteration of the approved plan set on file at DCLU, the specific revisions shall be subject to review and approval by the land Use Planner.**

CONDITIONS - SEPA

Appealable Conditions:

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placard prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on –site for the duration of the construction.

5. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 am and 6:00 pm and between the hours of the 9:00 am and 6:00 pm on Saturdays (except that grading, delivery and pouring of cement, and similar noisy activities shall be prohibited on Saturdays). This condition may be modified by DCLU to allow work of an emergency nature. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping after approval from DCLU).

Signature: (signature on file) **Date:** May 29, 2003
Glenda Warmoth, Land Use Planner
Department of Design, Construction and Land
Land Use Services